

### **REMARKS**

This is in response to the Office Action mailed on July 12, 2004, and the references cited therewith.

Claim 9 is amended. Claims 1-15 are pending in this application.

#### **Double Patenting Rejection**

Claims 1-15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,735,387.

Applicant submits herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to obviate the obviousness-type double patenting rejections. Reconsideration and allowance is respectfully requested.

Moreover, notwithstanding the Terminal Disclaimer, Applicant does not acquiesce to the Examiner's assertions in section 3 of the Office Action and Applicant reserves the right to traverse the assertions in any continuation applications.

#### **Objections to the Claims**

Claims 9-11 were rejected to due to various informalities. Applicant has amended claim 9 to overcome this objection.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date 8/13/04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of August, 2004.

Paula Suchy  
Name

Paula Suchy  
Signature